

REMARKS

This Response is submitted in reply to the Office Action dated December 9, 2003. Claims 1, 4, 5, 13, 14, 15, 16, 17, 19, 21 and 23 have been amended. No new matter has been added by any of the amendments made herein.

No fee is due in connection with this Response. Please charge deposit account number 02-1818 for any insufficiency or to credit any overpayment.

Claims 1, 3 to 5, 8, 9, 11 to 19 and 21 to 24 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,491,584 to Graham et al. ("*Graham*"). Claims 2, 6, 7, 10 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Graham* in view of U.S. Patent No. 6,203,429 to Demar et al. ("*Demar*"). Additionally, Claims 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Graham* in view of U.S. Patent No. 6,533,658 to Walker et al. ("*Walker*"). Applicants respectfully disagree with and traverse these rejections for the reasons provided below. Additionally, the claims are amended to further distinguish over these references.

Regarding the § 102(e) rejection, amended Claim 1 is directed to a gaming device including a processor, a primary game controlled by the processor and a secondary game controlled by the processor. The gaming device also includes a secondary game triggering event in the primary game which triggers the secondary game and a secondary game re-triggering event in the secondary game which re-triggers the secondary game. The gaming device further includes an accumulator in the secondary game which is adapted to accumulate secondary game re-triggering symbols, where a secondary game re-trigger is provided to a player when the

accumulator accumulates at least two secondary game re-triggering symbols in at least two activations of the secondary game. *Graham* does not disclose all of the elements of Claim 1.

Graham discloses a gaming machine, including a base game and a series of free games. The gaming machine provides an initial series of free games to a player when a trigger condition occurs in the base game. (Col. 3, lines 5 to 10) A subsequent series of free games is awarded to the player if the same trigger condition occurs in the initial series of free games. *Graham* does not disclose, teach or suggest an accumulator in a secondary game which is adapted to accumulate secondary game re-triggering symbols to re-trigger the secondary game when the accumulator accumulates at least two secondary game re-triggering symbols in at least two activations of the secondary game.

The Patent Office states that *Graham* discloses that “the trigger condition may be the appearance of three scatter symbols anywhere on the display.” (See the Office Action, page 4, lines 1 to 5). The Patent Office further states that “*Graham* is disclosing that the scatter symbols are an accumulation of symbols that are not necessarily on a particular payline.” Applicants respectfully disagree with the Patent Office.

Graham describes that the trigger condition that triggers the subsequent and further series of free games is the same as the trigger condition which triggered the initial series of free games. *Graham* describes an example of a particular trigger condition which is the appearance of three scatter symbols anywhere on the display means. (Col. 2, lines 21 to 26). *Graham* is merely describing that the trigger condition may be a combination of three symbols anywhere on the paylines instead of only on a

single payline. *Graham* does not disclose, teach or suggest that the symbols are accumulated in at least two of the free games (i.e., activations). Therefore, *Graham* does not disclose, teach or suggest the accumulation of secondary game re-triggering symbols which are accumulated by an accumulator in at least two activations of the secondary game as in the claimed invention.

For these reasons, *Graham* does not disclose all of the elements of amended Claim 1 and Claims 2 to 4, which depend from amended Claim 1. Therefore, Claim 1 and Claims 2 to 4 are each patentably distinguished over *Graham* and are in condition for allowance.

Independent Claims 5, 14, 15, 16, 17, 19, 21 and 23 have been amended to include certain similar elements to Claim 1, and specifically the element of an accumulator in the secondary game which adapted to accumulate secondary game re-triggering symbols, wherein a secondary game re-trigger is provided to a player when the accumulator accumulates a plurality of secondary game re-triggering symbols in at least two activations of the secondary game. As described above with respect to Claim 1, *Graham* does not disclose the element of a secondary game re-trigger that is provided to a player when the accumulator accumulates a plurality of secondary game re-triggering symbols in at least two activations of the secondary game.

Moreover, *Graham* does not disclose the additional element of re-triggering the secondary or bonus game when a predetermined combination of the secondary game triggering symbols occur in at least two activations of the secondary game and where the predetermined combination or combinations of the secondary game re-triggering symbols in the secondary game are different than the predetermined combination of

secondary game triggering symbols in the primary or base game as described in Claims 16, 17 and 19. *Graham* specifically states that the trigger condition in the subsequent or further series of free games is the same as the trigger condition which triggered the initial series of free games. (Col. 2, lines 22 to 25). Therefore, *Graham* does not disclose all of the elements of Claims 5, 14, 15, 16, 17, 19, 21 and 23.

For these reasons, Claims 5, 14, 15, 16, 17, 19, 21 and 23, and Claims 6 to 13, 18, 20, 22, 24 to 26, which depend therefrom, are each patentably distinguished over *Graham* and are in condition for allowance.

Claims 2, 6, 7, 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Graham* in view of *Demar*. Claim 2 depends from Claim 1. Claims 6, 7 and 10 depend from Claim 5. Claim 20 depends from Claim 19. Applicants respectfully submit that Claims 2, 6, 7, 10 and 20 are allowable for at least the reasons set forth above with respect to Claims 1, 5 and 19 because the combination of *Graham* and *Demar* does not disclose, teach or suggest the novel elements of Claims 2, 6, 7, 10 and 20 in combination with the novel elements of Claims 1, 5 and 19, respectively.

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Graham* in view of *Walker*. Claims 25 and 26 depend from Claim 23. Applicants respectfully submit that Claims 25 and 26 are allowable for at least the reasons set forth above with respect to Claim 23 because the combination of *Graham* and *Walker* does not disclose, teach or suggest the novel elements of Claims 25 and 26 in combination with the novel elements of Claim 23.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously

solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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